

# Exhibit 9

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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CISCO SYSTEMS, INC.,

Plaintiff,

v.

Case No.:

ARISTA NETWORKS, INC.,

5:14-cv-05344-BLF (PSG)

Defendant.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF JEFFREY WHEELER

November 12, 2015

9:33 a.m. - 5:55 p.m.

Richmond, Virginia

Job No. 2183991

REPORTED BY:

Kimberly L. Ribaric, RPR, CCR

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1 for your invention outside of the unified 11:21:40  
2 messaging product? 11:21:43  
3 A. I am not aware of any, no. 11:21:44  
4 Q. In your 14 to 15 years of experience 11:21:50  
5 since coming up with the '526 invention, have you 11:22:18  
6 seen other instances where your invention was used 11:22:23  
7 outside of the unified messaging product? 11:22:30  
8 MR. TUNG: I'll object to the extent it 11:22:33  
9 calls for a legal conclusion. 11:22:37  
10 THE WITNESS: No. 11:22:38  
11 BY MR. KRISHNAN: 11:22:39  
12 Q. Let's talk a little bit about the work 11:22:48  
13 that you were doing on Cisco that led to the 11:23:01  
14 patent. 11:23:05  
15 Was there a particular product feature 11:23:06  
16 that you would say was the work that you did 11:23:09  
17 that -- that led to the patent? 11:23:13  
18 A. In particular, it was more combining 11:23:16  
19 developer tools and manual steps into a single 11:23:27  
20 tool with the common syntax and usage. 11:23:33  
21 Q. Was this product referred to within Cisco 11:23:39  
22 as the UM CLI project? 11:23:45  
23 A. UM CLI tool was the -- was the name given 11:23:47  
24 to it. Later, the name I think changed to UC CLI. 11:23:53  
25 But that's, yeah, how it would have been referred 11:24:02

1 to on the -- the functional specification 11:24:05  
2 documents. And it was also the name at the -- 11:24:09  
3 that you actually would type in. 11:24:12  
4 Q. Okay. And what -- what would you say was 11:24:14  
5 the value added of the UM CLI tool? 11:24:16  
6 A. The value would be that you did not need 11:24:22  
7 to remember lots and lots of different commands 11:24:26  
8 and syntaxes. It would also -- would also run, if 11:24:31  
9 you will, precommands and postcommands for 11:24:43  
10 external executables. 11:24:46  
11 So if we needed to run -- before the 11:24:53  
12 tool, if we needed to run a program, we would have 11:24:57  
13 to set up environmental variables, and we might 11:25:04  
14 need to get into a specific directory before we 11:25:08  
15 would execute the command. And then after, we 11:25:13  
16 would execute an external command, we would have 11:25:16  
17 to interpret the return code. So the tool did all 11:25:20  
18 of that as well, it's just executing the external 11:25:24  
19 command. 11:25:27  
20 The external command was one of the 11:25:31  
21 features of the UM CLI tool. It also -- it also 11:25:34  
22 had logic to do different things, like display 11:25:39  
23 statistics and counters for the running UM -- 11:25:45  
24 other running UM components. 11:25:50  
25 Q. Would you say that all of these 11:26:14

1 Q. Yeah. Let's say at the time Cisco 11:50:34  
2 acquired Amteva. 11:50:39  
3 A. It would have been QuickConfig, the ones 11:50:39  
4 we -- most of the ones we went over. QuickConfig, 11:50:45  
5 UM CLI, SNMP. Probably those three were the -- 11:50:43  
6 those were the first three. The others came in 11:50:50  
7 the following years. 11:50:56  
8 Q. I think the other ones you mentioned were 11:51:00  
9 UM manager and Reporting Central? 11:51:04  
10 A. UM manager and Reporting Central, 11:51:06  
11 correct. 11:51:10  
12 There was other -- other things I was -- 11:51:17  
13 not tools that my group would develop, but I would 11:51:22  
14 have input into other development teams' features 11:51:27  
15 such that I would write requirements about the 11:51:34  
16 logging specifications for the other components. 11:51:39  
17 So nothing that we developed, but more I had input 11:51:43  
18 into the requirements of those products. 11:51:48  
19 Q. Were those also OA&M tools? 11:51:50  
20 A. No. They were -- they were core 11:51:54  
21 process -- I would call them modules that would 11:52:01  
22 handle answering calls, leaving messages, sending 11:52:06  
23 faxes, doing the core product functionality. 11:52:11  
24 Q. Okay. How would you define the contours 11:52:16  
25 of what is OA&M versus not? 11:52:22

1           A.    OAM was responsible for everything that           11:52:26  
2           the product needed to do the installation, to do a   11:52:35  
3           configuration, to administer the product in           11:52:42  
4           aspects of stopping, starting, restarting and --   11:52:52  
5           and also for -- and a lot of the troubleshooting   11:53:00  
6           tool. It was considered important for           11:53:04  
7           troubleshooting aspects, whereas looking to see   11:53:07  
8           how the box was performing, seeing if there were   11:53:11  
9           errors, faults, those sorts of things.           11:53:15  
10          Q.    So there were OA&M tools in unified           11:53:19  
11          messaging. I take it that there were also -- or   11:53:23  
12          that there are also OA&M tools outside of the       11:53:28  
13          context of unified messaging in routers or           11:53:31  
14          computer systems more generally?           11:53:36  
15          A.    Sure. Yes.           11:53:38  
16          Q.    Okay. And at the time you were working       11:53:39  
17          at Cisco, who were your main competitors?           11:53:41  
18          A.    The competition -- well, whoever --           11:53:45  
19          whoever was the owner of Audix systems, as they   11:53:57  
20          were the premier voice mail system at the time.   11:54:01  
21          So I want to say maybe Lucent or -- I could be       11:54:08  
22          wrong. Or maybe it was AT&T maybe where it           11:54:13  
23          started. And I would say Comverse was the other   11:54:18  
24          company that had voice mail.           11:54:24  
25          Q.    Okay. At the time that you were at           11:54:27

1 for a legal conclusion. 12:04:59

2 THE WITNESS: What do you mean by 12:05:00

3 "generic commands"? 12:05:04

4 BY MR. KRISHNAN: 12:05:05

5 Q. You're familiar with the term generic 12:05:06

6 commands in your patent, the '526 patent? 12:05:09

7 A. That -- 12:05:11

8 MR. TUNG: Same objection. 12:05:11

9 THE WITNESS: Yeah, that -- that is 12:05:12

10 language that is nothing I use as a -- as an 12:05:14

11 engineer. 12:05:17

12 BY MR. KRISHNAN: 12:05:19

13 Q. Okay. So -- okay. Well, let's -- let's 12:05:24

14 put that aside then. 12:05:24

15 How would you say -- other than the level 12:05:26

16 at which the OA&M tools were operating, how else 12:05:31

17 would you say that the UM CLI solution that you 12:05:39

18 developed was different from the IOS CLI method 12:05:43

19 for administrating the OA&M tools? 12:05:49

20 A. The UM CLI tool -- well, besides the fact 12:05:53

21 that it worked at a different layer, the tool 12:06:02

22 could -- it had a auto completion feature, which 12:06:09

23 you could begin typing characters, and then it 12:06:15

24 would try to make the best match based on what 12:06:22

25 characters were typed. I don't believe the U -- 12:06:25

1 IOS CLI had that. 12:06:31

2 The other thing that the tool allowed is 12:06:33

3 you could run it in real-time mode so that you 12:06:38

4 would get continual updates of the system, so 12:06:42

5 we -- we would -- we built in a refresh capability 12:06:46

6 so you could see as calls came in and calls 12:06:50

7 dropped and calls were in a setup phase, all 12:06:54

8 the -- all the phases. So we had a real-time 12:06:58

9 aspect. 12:07:01

10 You could also execute the CLI -- the 12:07:02

11 UM CLI tool in a -- in a mode we call singletary, 12:07:06

12 where you could just execute it as a single 12:07:11

13 command, and from the shell, and be dropped in the 12:07:14

14 shell when you -- when it -- when it ended. 12:07:17

15 So those were some -- I would say some 12:07:20

16 differences that come to mind. 12:07:23

17 Q. Okay. Any other differences? 12:07:25

18 A. No. Those are the key -- the key ones. 12:07:27

19 Q. Let's talk briefly about that -- that 12:07:45

20 auto completion or best match feature that you 12:07:52

21 were talking about. 12:07:55

22 Can you describe the functionality in 12:07:57

23 UM CLI? 12:07:59

24 A. So within UM CLI there were several 12:07:59

25 functions you could do. As I said, you could 12:08:06



1 stop, you could start. You could watch, you could 12:08:09  
2 set log levels. 12:08:13  
3 So each of those functions had an 12:08:15  
4 equivalent command or subcommand, and so they were 12:08:18  
5 all spelled differently and they all had different 12:08:26  
6 names. But occasionally you -- so -- so as you 12:08:29  
7 got into the UM CLI interface, you would type your 12:08:33  
8 first letter, and your first letter would be -- 12:08:40  
9 let's say if it was an A, it would see if there 12:08:42  
10 was any other commands that started with an A; if 12:08:44  
11 they did, then it would present the -- the 12:08:47  
12 following commands that were available that 12:08:52  
13 started with an A. 12:08:54  
14 And so then you would type a second 12:08:59  
15 letter, let's say B. And if any of the commands 12:09:01  
16 had a B as their second letter, it would list 12:09:05  
17 those as available options. 12:09:08  
18 And then once it got down to a single 12:09:09  
19 option, you could hit return and then you wouldn't 12:09:13  
20 have to type any more. 12:09:16  
21 Q. Sounds pretty useful. 12:09:17  
22 A. Yeah. We -- our fingers got tired by 12:09:19  
23 then. 12:09:24  
24 Q. So this was letter by letter, as you 12:09:24  
25 entered a letter, the remaining available options 12:09:26

1 would -- would populate some sort of drop-down 12:09:29  
2 screen or something like that? 12:09:34  
3 A. Yeah. There was a pop-up box that had 12:09:36  
4 the available options at that point, correct. 12:09:38  
5 Q. Okay. And this was before the user ever 12:09:42  
6 pressed enter; right? 12:09:44  
7 This is while the user is typing in the 12:09:46  
8 command the options that were still available 12:09:49  
9 given the letters that had already been typed were 12:09:55  
10 presented? 12:09:58  
11 A. Correct. Yeah. It -- it -- I -- I also 12:09:58  
12 remember that it -- if there was, let's say, a two 12:10:02  
13 match -- there was two -- two subcommands that -- 12:10:07  
14 that matched the letters he had typed so far, 12:10:11  
15 that -- the box that appeared, I believe you could 12:10:14  
16 also hit your arrow keys and select one or the 12:10:17  
17 two, so you didn't have to type any more keys 12:10:23  
18 still; now you could just use the arrow keys and 12:10:26  
19 select what -- which one you wanted. 12:10:30  
20 Q. Okay. And was there a name for that 12:10:32  
21 feature? Was it auto complete? 12:10:34  
22 A. I knew it as just auto complete, yeah. 12:10:36  
23 Q. If I looked through the -- the Cisco 12:10:39  
24 documents from that time, would it be referred to 12:10:40  
25 anything other than auto complete? 12:10:43

1 Q. Okay. Would you say that the new syntax 05:31:57  
2 listed in the second column of Appendix A are 05:32:05  
3 generic commands? 05:32:11  
4 MR. TUNG: Object to the extent it calls 05:32:11  
5 for a legal conclusion. 05:32:14  
6 THE WITNESS: I -- that language, to 05:32:15  
7 me -- generic command versus command would 05:32:17  
8 mean the same thing. I don't see the 05:32:21  
9 differentiation between the two. 05:32:23  
10 BY MR. KRISHNAN: 05:32:24  
11 Q. Can you explain why you see the phrase 05:32:25  
12 generic command and command to mean the same 05:32:28  
13 thing? 05:32:32  
14 MR. TUNG: Same -- same objection. 05:32:40  
15 THE WITNESS: Because I don't see the 05:32:41  
16 difference between a generic command and a 05:32:43  
17 specific command. They're still a -- they're 05:32:46  
18 still both commands. 05:32:48  
19 BY MR. KRISHNAN: 05:32:49  
20 Q. Okay. Would you consider the commands in 05:32:50  
21 the third column of Appendix A to be generic 05:32:53  
22 commands? 05:32:58  
23 MR. TUNG: The same objections. 05:32:59  
24 THE WITNESS: Again, I would just refer 05:33:00  
25 to them as commands. Generic command and 05:33:03

1 command doesn't -- doesn't mean anything 05:33:10  
2 different to me. 05:33:13  
3 BY MR. KRISHNAN: 05:33:15  
4 Q. Okay. When you read the patent 05:33:19  
5 application back in 1999, did you -- do you recall 05:33:21  
6 seeing the phrase 'generic commands' in the title 05:33:26  
7 of this patent? 05:33:29  
8 A. Yeah. 05:33:30  
9 Q. Okay. And what was your thought about 05:33:31  
10 use of the term "generic commands" at the time? 05:33:34  
11 MR. TUNG: Objection. Vague. 05:33:38  
12 THE WITNESS: It wasn't my language. It 05:33:39  
13 was written by somebody else. So I didn't 05:33:42  
14 know why the word "generic" was put in front 05:33:46  
15 of command. But it still said "command." So 05:33:50  
16 to me, that was what UM CLI was. So I might 05:33:56  
17 have raised an eyebrow and that's about it. 05:34:04  
18 BY MR. KRISHNAN: 05:34:07  
19 Q. Do you have a -- scratch that. 05:34:10  
20 Is there a way that you would describe 05:34:12  
21 the -- the terms in column -- in the new syntax 05:34:15  
22 column of Appendix A to distinguish them from the 05:34:25  
23 commands in -- 05:34:34  
24 A. I would call them subcommands. 05:34:35  
25 Q. Sorry. Let me re-ask the question and 05:34:37

1	then we'll --	05:34:40
2	A. Okay. Sorry.	05:34:42
3	Q. -- go there.	05:34:42
4	Is there a term that you would use to	05:34:43
5	describe the new syntax in Appendix A to	05:34:47
6	distinguish it from the old syntax column?	05:34:53
7	A. Okay. Say that one more time.	05:34:59
8	Q. Is there some other term or description	05:35:02
9	you would use to explain how the commands in the	05:35:05
10	second column of Appendix A are different from the	05:35:10
11	commands in the third column of Appendix A?	05:35:16
12	A. I think new syntax and old command line	05:35:22
13	syntax describes it quite well.	05:35:28
14	Q. Okay. But what about in terms of the	05:35:30
15	nature of the choice of command words, do you have	05:35:36
16	any way in mind for describing those types of	05:35:42
17	commands as being different qualitatively from the	05:35:48
18	old --	05:35:52
19	MR. TUNG: Objection --	05:35:52
20	BY MR. KRISHNAN:	05:35:52
21	Q. -- command syntax?	05:35:53
22	A. I -- I don't know --	05:35:54
23	MR. TUNG: Hold on. Objection. Vague.	05:35:54
24	Go ahead.	05:35:57
25	THE WITNESS: I don't know what you mean	05:35:57

1 by "nature of the command." I don't 05:36:01  
2 understand the question. 05:36:06  
3 BY MR. KRISHNAN: 05:36:07  
4 Q. Okay. Is there any way that you would 05:36:08  
5 describe the nature of the commands in the new 05:36:12  
6 syntax column as qualitatively different from the 05:36:15  
7 commands in the old syntax column? 05:36:21  
8 MR. TUNG: Objection. Vague. 05:36:23  
9 THE WITNESS: I can only describe that 05:36:28  
10 the UM CLI tool and these commands in the 05:36:35  
11 second column were easier to remember, and 05:36:39  
12 there were less of them, and there was -- they 05:36:47  
13 were shorter in most cases. So they used 05:36:54  
14 English language. That's -- and, thus, using 05:37:06  
15 English language and spaces instead of dashes 05:37:20  
16 would be easier to remember and to type. 05:37:29  
17 BY MR. KRISHNAN: 05:37:34  
18 Q. Is there any set of simple guidelines 05:37:34  
19 that you could give for someone who's trying to 05:37:38  
20 develop a new syntax from an old syntax to -- 05:37:43  
21 to -- that would capture the concept of -- of the 05:37:52  
22 generic command? 05:37:55  
23 MR. TUNG: Objection. Vague. And 05:37:57  
24 objection, calls for a legal conclusion. 05:38:00  
25 THE WITNESS: The guidelines that I 05:38:06